

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN MUNOZ,

Plaintiff

Case No. 3:24-cv-00048-ART-CLB

ORDER

v.

BENSON, et al.,

Defendants

This action is a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a former state prisoner. In compliance with this Court's order, Plaintiff has submitted an application to proceed in district court without prepaying fees or costs following his release from prison. (ECF Nos. 14, 17). Based on the financial information provided, the Court grants Plaintiff leave to proceed without prepayment of fees or costs under 28 U.S.C. § 1915(a)(1).¹

On July 9, 2024, the Court entered a screening order. (ECF No. 5). A follow-up order imposed a 90-day stay and the Court entered a subsequent order assigning the case to mediation by a court-appointed mediator. (ECF Nos. 7, 9). The Office of the Attorney General has filed a status report indicating that settlement was not reached and informing the Court of its intent to proceed with this action. (ECF No. 15).

Plaintiff's mail is being returned as undeliverable based on the address on file. (See ECF No. 16). However, it is unclear whether Plaintiff's address is incorrect because he complied with the order that was returned as undeliverable. (See ECF Nos. 14, 16, 17). If Plaintiff's address is incorrect, he should immediately update his address with the Court.²

¹ Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

² Pursuant to Nevada Local Rule of Practice IA 3-1, a "pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of

1 defendant(s) as to which the Attorney General has not provided last-known-address
2 information, Plaintiff will provide the full name and address for the defendant(s).

3 7. If the Attorney General accepts service of process for any named
4 defendant(s), such defendant(s) will file and serve an answer or other response to the
5 complaint within **sixty (60) days** from the date of this order.

6 8. Plaintiff shall serve upon defendant(s) or, if an appearance has been
7 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
8 document submitted for consideration by the Court. If Plaintiff electronically files a
9 document with the Court's electronic-filing system, no certificate of service is required.
10 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff
11 mails the document to the Court, Plaintiff shall include with the original document
12 submitted for filing a certificate stating the date that a true and correct copy of the
13 document was mailed to the defendants or counsel for the defendants. If counsel has
14 entered a notice of appearance, Plaintiff shall direct service to the individual attorney
15 named in the notice of appearance, at the physical or electronic address stated therein.
16 The Court may disregard any document received by a district judge or magistrate judge
17 which has not been filed with the Clerk, and any document received by a district judge,
18 magistrate judge, or the Clerk which fails to include a certificate showing proper service
19 when required.

20 9. This case is no longer stayed.

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22 DATED: January 3, 2025.

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25 UNITED STATES MAGISTRATE JUDGE
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